IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2495 OF 2006

Eknath Genuji Sandbhor .. Applicant.
Vs.
Macchindra Bhiva Rakshe & Ors. .. Respondents.

Mrs.Anita Agarwal for the applicant.
Mr.P.A.Pol A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 31ST JULY, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This is an application under section 378 of the Code of Criminal Procedure seeking leave to appeal against the judgment and order dated 3.6.2006 by which the respondent-accused, who were charged and tried under section 447, 427 read with 34 of I.P.C., have been acquitted. The learned Judge after considering the entire evidence on record has recorded a categoric finding that the complainant has failed to bring cogent material on record to show that the accused did use to rush his bullock-cart through the field of the complainant and cause damage to the standing crop. The complainant has not made any efforts to bring any

such material on record in support of his allegations. Except the statement of his labour there is no other material on record in support of the allegations made in the private complaint. It appears that the applicant has already obtained injunction in the civil proceedings and that order, in my opinion, is sufficient to take care of such mischief and trespass. Considering the reasons recorded by the trial Court on appreciation of the material on record, the impugned judgment cannot be said to be perverse and unreasonable. The view taken by the trial Court is reasonably possible view. In the circumstances the application seeking leave to appeal is rejected.

(D.B.Bhosale, J.)